D.B. CIVIL SPECIAL APPEAL(W)NO.384/2007

Manoj Mittal
Vs.
University of Rajasthan & Ors.

DATE OF ORDER :: 18-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Kapil Mathur, for the appellant.
Shri Y.C. Sharma, for the University.

This special appeal is directed against the order of the learned Single Judge dated 14.2.2007 dismissing the writ petition of the appellant. The appellant had filed the writ petition seeking direction upon the respondent-University to declare his result of LL.B. 2nd Year Examination and, also, permit him to continue further studies in the LL.B. Course.

The learned Single Judge noticed that similar writ petition preferred by the appellant had been dismissed earlier, and observed that the prayer was misconceived. The earlier order referred to by the learned Single Judge is of 13.12.2006 in S.B. Civil Writ Petition no.4584/2006 which was dismissed observing that representation has been considered by the Vice Chancellor but rejected, and as the appellant had failed to deposit fee in time, no interference was called for.

The case of the appellant is that he could not deposit the fee as he was ill and under bed rest during the relevant period. According to the respondent-

University, the last date of submission of fee form was 10th March, 2006 whereas the certificate in question was for the prior period.

We are of the view that the appellant should have challenged the earlier order of this Court in writ petition no.4584/2006. Even if the submission of the counsel is accepted that rejection of the representation of the Vice Chancellor provided fresh cause of action to him, the circumstances in which the appellant obtained medical certificate and tried to fill the lacuna therein by obtaining another certificate are not inspiring. The discretion exercised by the Vice Chancellor in the facts and circumstances does not appear to be arbitrary so as to warrant interference by this Court. The learned Single Judge therefore did not commit any error in dismissing the writ petition.

The appeal is dismissed.

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen